

#23/12/2001  
1-7-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Application Serial No.: 09/219,442

Art Unit: 1647

Filed: December 23, 1998

Examiner: Saoud, C.

For: Vascular Endothelial Growth Factor 2

Atty. Docket No.: PF112P2D1

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**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT PURSUANT TO 37 CFR 1.56**

Commissioner For Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declaration of Kari Alitalo executed on September 24, 2001 and accompanying Exhibits 1 and 2, and the Statutory Declaration of Peter Adrian Walton Rogers executed on November 12, 2001, and accompanying exhibits PAWR-1 through PAWR-14.

The above-listed declarations and accompanying exhibits were brought to the attention of the Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed Declarations and accompanying exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed reference(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such

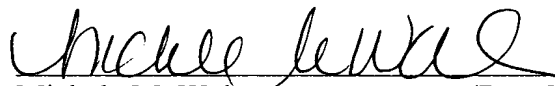
references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declaration and exhibits attached thereto, in the file of the instant application.

Pursuant to 37 C.F.R. § 1.97(b), since this information disclosure statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is also enclosed.

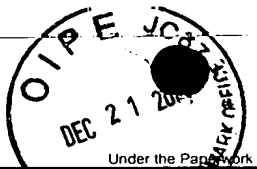
Respectfully submitted,

Dated: 12/21/01

  
Michele M. Wales (Reg. No. 43,975)  
Attorney for Applicants

**Human Genome Sciences, Inc.**  
9410 Key West Avenue  
Rockville, MD 20850  
Telephone: (301) 610-5772

Enclosures  
MMW/lcc



1647

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2002

(Substitute form)

Patent fees are subject to annual revision.

### Complete if Known

Application Number	HU et al.
Filing Date	December 23, 1998
First Named Inventor	09/219,442
Examiner Name	Saoud, C.
Group Art Unit	1647
Attorney Docket Number	PF112P2D1

Total amount of payment

\$ 0.00

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **08-3425**

Deposit Account Name **Human Genome Sciences, Inc.**

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17.

☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other\*

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) **\$0.00**

#### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20*	\$18.00	
Multiple Dependent	-3*	\$84.00	
		\$280.00	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
108	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **\$0.00**

\* or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
142	1,280	242	640	Utility issue fee (or reissue)
195	300	195	300	Publication fee for early, voluntary, or normal publication
179	740	279	370	Request for Continued Examination (RCE)
098	130	098	130	Processing fee, except in provisional applications
126	180	126	180	Submission of Information Disclosure Statement
123	50	123	50	Processing fee for provisional applications
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))
145	100	145	100	Certificate of correction
147	2,520	147	2,520	Request for <i>ex parte</i> reexamination
099	8,800	099	8,800	Request for <i>inter partes</i> reexamination
148	110	248	55	Statutory disclaimer
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
122	130	122	130	Petitions to the Commissioner
140	110	240	55	Petition to revive unavoidably abandoned application
141	1,280	241	640	Petition to revive unintentionally abandoned application
091	1,280	091	1,280	Acceptance of an unintentionally delayed claim for priority
561	3	561	3	Printed copy of patent, regular service
581	40	481	40	Recording each patent assignment per property (times number of properties)

Other fee (specify):

Other fee (specify):

Other fee (specify):

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$ 0.00

### Submitted By

Name (Print/Type) **Michele M. Wales**

Registration No.: **43,975**

Telephone **301-610-5772**

Signature: *Michele M. Wales*

Date: **12/21/01**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.